

## ANNOUNCEMENT OF FEDERAL FUNDING OPPORTUNITY

### EXECUTIVE SUMMARY

Federal Agency Name(s): National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce

Funding Opportunity Title: National Estuarine Research Reserve Land Acquisition and Construction Program FY04

Announcement Type: Initial Announcement

Catalog of Federal Domestic Assistance (CFDA) Number(s): 11.420, Coastal Zone Management Estuarine Research Reserve

Dates: Proposals must be submitted to the Estuarine Reserves Division (ERD) no later than February 13, 2004

Funding Opportunity Description: The National Estuarine Research Reserve System consists of estuarine areas of the United States and its territories which are designated and managed for research and educational purposes. Each reserve within the system is chosen to represent different biogeographic regions and to include a variety of ecosystem types in accordance with the classification scheme of the national program as presented in 15 CFR Part 921. Through the funding of designated reserve agencies and universities to undertake land acquisition and construction projects that support the NERRS purpose, NOAA will strengthen protection of key land and water areas and enhance long-term protection of the area for research and education and for facility and exhibit construction

### FULL ANNOUNCEMENT TEXT

#### I. Funding Opportunity Description

##### A. Program Objective

NOAA provides funding to the designated reserves for acquiring additional property interests and for construction projects within these Reserves to strengthen protection of key land and water areas and to enhance long-term protection of the areas for research and education, for facility and exhibit construction. Each reserve supports a wide range of beneficial uses of ecological, economic, recreational, and aesthetic values which are dependent upon the maintenance of a healthy ecosystem. The sites provide habitats for a wide range of ecologically and commercially important species of fish, shellfish, birds, and other aquatic and terrestrial wildlife. Each reserve has been designed to ensure its effectiveness as a conservation unit and as a site for long-term research and monitoring. In maintaining their effectiveness, the reserves may find it necessary to expand their boundaries through

strategically planned land acquisitions and/or to develop or enhance their reserve facilities to meet the demands of research and monitoring and educational program objectives.

## B. Program Priorities

NOAA will give priority in funding to proposals which address the construction and/or acquisition plans identified in the management plan required by NOAA as part of the NERR designation and management plan revision process. The construction and/or acquisition plans require the following information:

a. A construction plan includes a proposed construction schedule, general descriptions of proposed developments and general cost estimates. Information should be provided for proposed minor construction projects to allow these projects to begin in the initial phase of acquisitions and development. After Reserve designation, funds may be used in accordance with the final management plan to construct research and educational facilities and to complete any remaining land acquisition.

b. An acquisition plan identifies the ecologically key land and water areas of the Reserve, ranking these areas according to their relative importance, and including a strategy for establishing adequate long-term state control over these areas sufficient to provide protection for Reserve resources to ensure a stable environment for research.

Authority for the NERR program is provided by 16 U.S.C. ' 1461 (e)(1)(A)(i),(ii), and (iii)

## II. Award Information

This funding opportunity announces that approximately \$10.0 million will be available to designated reserve agencies or universities only through this announcement for fiscal year 2004. Awards will be issued as competitive grants. It is anticipated that the awards will run for up to two years. In the past, funding for land acquisition/construction awards has ranged in amount from approximately \$50,000 to \$3 million.

## III. Eligibility Information

### A. Eligible Applicants

Eligible applicants are coastal states in which the NERRs are located and are directed to the Reserves' lead state agencies or universities.

### B. Cost Sharing or Matching Requirement

The amount of federal funds requested must be matched by the applicant: 30 percent match for construction grant and 50 percent match for land acquisition grant. Cash or in-kind contributions directly benefitting the project maybe used to satisfy the matching requirements. If using Reserve land acquisition banked match, a list of the banked match must be included with the grant application.

### C. Other

Applicants who are selected for land acquisition and construction funding will be required to

meet land acquisition grant programmatic special award conditions that will be included as part of each grant. These conditions can be found in Appendix 1.

Applicants who are selected for land acquisition and/or construction funding will be required to submit semi-annual progress reports to ERD.

#### IV. Application and Submission Information

A. For program and application information, contact Doris Grimm of ERD at 301-713-3155 ext. 107, or fax 301-713-4363, or via internet at [doris.grimm@noaa.gov](mailto:doris.grimm@noaa.gov).

#### B. Content and Form of Application Submission

##### 1. Proposals

Applicants must submit in hard copy an original and two (2) copies of all application materials. Applications should be submitted to the Estuarine Reserves Division (ERD), NOAA/ERD; 1305 East-West Highway; N/ORM5, SSMC4, Station 10500; Silver Spring, MD 20910. If there are specific questions about the program and/or application process, applicants may contact Doris Grimm at ERD at (301) 713-3155, extension 107.

##### 2. Required Elements

**Project Description:** The application should include a detailed project description, detailed budget, and milestones that show the schedule for anticipated dates for completion.

Projects proposed in response to this announcement must use the following format:

- a. description of the whole project and whether funds are sought for less than the whole project (including relevant citations from the National Estuarine Research Reserve management plan, CZMA Section 312 evaluation, or other relevant documents);
- b. NOAA funds requested;
- c. Identification of the source of match (50 percent for acquisition, 30 percent for construction);
- d. Importance of the project to your reserve, taking into consideration NERRS Acquisition and Construction Guidelines for Funding;
- e. Anticipated cost breakdown; and
- f. NOAA funds received in FY01 through FY03 for land acquisition and construction projects and summary of progress on past projects.

Applicants whose projects are recommended for funding will be required to complete all necessary federal financial assistance forms (SF-424, SF-424A, SF-424B, SF-424C, and CD-511). Forms can be accessed on the Grants Management Division website in the section titled "Grants Application Forms and Budget Guidelines" at "<http://www.rdc.noaa.gov/~grants/index.html>".

#### C. Submission Dates and Times

Proposals must be received in the Estuarine Reserves Division by February 13, 2004. If they are not received by this date, they will be returned to the applicant without review. These proposals may be submitted via email.

Notification regarding the selection of proposals will be issued on or about March 15, 2004. The grant awards will start the first day of the month beginning June 1 through November 1, 2004.

Proposals must be submitted to Doris Grimm, Program Coordinator, NOAA/Estuarine Reserves.

#### D. Intergovernmental Review

Applications under this program are subject to Executive Order 12372, "Intergovernmental Review of Federal Programs." Applicants should contact their State Single Point of Contact (SPOC) to find out about and comply with the State's process under EO12372. The names and addresses of the SPOC's are listed in the Office of Management and Budget's Web site at <http://www.whitehouse.gov/omb/grants/spoc.html>.

#### E. Funding Restrictions

See Section I. for a description of funding restrictions.

#### F. Other Submission Requirements

There are no other submission requirements.

#### V. Application Review Information

##### A. Evaluation Criteria

1. Importance and/or relevance and applicability of proposed project to the program goals (25 percent): This ascertains whether there is intrinsic value in the proposed work and/or relevance to NOAA, federal, regional, state, or local activities. For this competition, this includes whether this project is identified as a priority in the approved reserve management plan, the last CZMA § 312 evaluation of the reserve, or some other official planning document. Planned projects are given a higher score than those that are not. This criterion is used to evaluate whether the project is appropriate under the definition of acquisition (acquisition of real property) and/or construction (construction of facilities or exhibits). A higher score will be given to projects clearly within the definitions (e.g., floating classrooms are in the gray area and may rate lower). Administrative costs associated with these activities are allowable

2. Technical/scientific merit (30 percent): This assesses whether the approach is technically sound and/or innovative, if the methods are appropriate, and whether there are clear project goals and objectives. For this competition, this criterion is used to assess the opportunity gained by funding this project now and/or lost by not funding it now (e.g., availability of match; option on a parcel of land; protection of a critical resource. Projects of greater immediacy are given a higher score. This criterion relates to whether the applicant has identified necessary

match (50/50 for acquisition; 70/30 for construction). Projects with match will score higher than those without or with highly “speculative” match. This criterion is used to determine how far along the acquisition process is (e.g., contact with landowners, negotiations, title options, or planning process for facilities construction (plans, design, etc.)). Projects that can reasonably be expected to be completed during the proposed project award period will score higher. For acquisition projects, the type of acquisition being proposed (fee-simple, easement, etc.) should provide adequate state control of the property to be included in the reserve.

3. Overall qualifications of applicants (30 percent): This ascertains whether the applicant possesses the necessary education, experience, training, facilities, and administrative resources to accomplish the project. This criterion is used to assess how the individual reserve performed in general (based on performance reports, 312 evaluations, previous or ongoing projects, etc.) Reserves with solid operating performance and the compliment of core staff (manager, education coordinator, and research coordinator) will generally be given a higher score than those without it. This includes performance in completing past construction and acquisition projects. An exception may be where a particular construction or acquisition project is necessary to conduct core program activities.

4. Project costs (15 percent): The Budget is evaluated to determine if it is realistic and commensurate with the project needs and time-frame. This criterion is used to determine whether the cost estimates and budget are reasonable, realistic, and cost-effective for the proposed project. Higher evaluation scores will be given to projects that have realistic budgets.

5. Outreach and education (0 percent): NOAA assesses whether this project provides a focused and effective education and outreach strategy regarding NOAA’s mission to protect the Nation’s natural resources.

## B. Review and Selection Process

ERD will conduct an initial administrative review to determine compliance with requirements and completeness of the application and log the information into a system database. A copy of the proposal will be sent to the appropriate Estuarine Reserve Division staff who will coordinate the necessary technical reviews of the proposal. Merit review is conducted by mail reviewers and/or peer panel reviewers. A minimum of three merit reviewers per proposal is required. The reviews will be conducted by technical experts within the National Oceanic and Atmospheric Administration. At least one of the reviews will be conducted by professional staff within the National Ocean Service (NOS) of NOAA. Reviewers are selected based on their technical knowledge of the types of projects submitted. All proposals will be evaluated, rated and ranked in accordance with the assigned weights of the evaluation criteria for funding listed above (section V.A.). The Estuarine Reserves Division Chief and program coordinator will oversee the review process. The merit review ratings shall provide a rank order to the Selecting Official for final funding recommendations. A program officer may first make recommendations to the Selecting Official applying the selection factors below. The Selecting Official shall award in the rank order unless the proposal is justified to be selected out of rank order based upon 1 and 4 of the following factors:

### 1. Availability of funding

2. Balance/distribution of funds:

- a. Geographically
- b. By type of institutions
- c. By type of partners
- d. By research areas
- e. By project types

3. Whether this project duplicates other projects funded or considered for funding by NOAA or other federal agencies

4. Program priorities and policy factors. These can be found in section I.B. above.

5. Applicant's prior award performance: Unsatisfactory performance by a recipient under prior Federal awards may result in an application not being considered for funding.

6. Partnerships and/or Participation of targeted groups

Funding recommendations will be announced on or about March 15, 2004. Unsuccessful applications will be retained at ERD.

VI. Award Administration Information

1. Award Notices

Applicants whose projects are recommended for funding will be required to complete federal financial assistance forms (SF-424, SF-424A, SF-424B, SF-424C, and CD-511). It is anticipated that applicants will be notified of their recommendation or rejection for funding on or about March 15, 2004, via email. NOAA's Grants Management Division is the only entity authorized to provide a grant award. Therefore, once the applicant's above mentioned federal financial assistance forms have been submitted and approved, GMD will make the grant award to the applicant by the requested start date.

The Estuarine Reserves Division of NOAA reserves the right to immediately halt activity under the award if the recipient is not fulfilling the requirements of the project as outlined in the grant award. Non-compliance with a federally approved project may result in termination of the award.

2. Administrative and National Policy Requirements

The terms and conditions of NOAA's National Estuarine Research Reserves awards are described in Appendix 2 of this announcement.

3. Reporting

Applicants selected for funding will submit semi-annual performance reports 30 days after the completion of every six month period after the project start date and final performance reports 90 days after the project period ending date. Applicants will be provided with the guidelines for these reports upon receiving the award. These guidelines are also located in Appendix 2 of this announcement. Financial status reports are also required every six months. These reports should be submitted to NOAA's Grants Management Division.

## VII. Agency Contacts

For questions regarding the program and application process, please contact Doris Grimm, program coordinator, at NOAA/Estuarine Reserves Division, 1305 East-West Highway, N/ORM5, SSMC4, Station 10500, Silver Spring, MD 20910 or via phone: 301-713-3155 ext. 107, email: [doris.grimm@noaa.gov](mailto:doris.grimm@noaa.gov), or fax: 301-713-4363. The program Website can be accessed at [www.ocrm.nos.noaa.gov/nerr.html](http://www.ocrm.nos.noaa.gov/nerr.html).

Other questions should be directed to Doris Grimm at 301-713-3155, extension 107, [doris.grimm@noaa.gov](mailto:doris.grimm@noaa.gov) or Laurie McGilvray at (301) 713-3155 ext. 158, [laurie.mcgilvray@noaa.gov](mailto:laurie.mcgilvray@noaa.gov).

## APPENDIX 1

### National Estuarine Research Reserves (NERR) Land Acquisition and Construction Grant Special Award Conditions

#### A. NERRS Land Acquisition Special Award Conditions:

1. The responsible entity, namely (name of recipient) for land acquisition agrees that it has complied or will comply fully with the provisions of the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646, as amended).

2. Federal funds totaling \$\_\_\_\_\_ will not be transferred to the recipient for the acquisition of land, or interest(s) in land until the recipient submits for NOAA/ERD review and approval the following:

(a) Appraisals of land within the proposed reserve boundary were made by a qualified independent appraiser and performed in accordance with Federal and State appraisal standards.

(b) A map of the reserve indicating ownership of the lands to be acquired.

©) A metes-and-bounds description with plats showing bearings and distances of tract boundaries, if any land cannot be described on the basis of a public lands survey. The survey description and plat shall be certified by the State Engineer or a land surveyor registered in the State of \_\_\_\_\_.

(d) Evidence of title insurance or an opinion of title and a copy of the real estate contract for each parcel.

3. All appraisals shall be submitted to NOAA/ERD prior to any real estate closing to be executed by the State. If Federal funds are required prior to closing, written notification to NOAA/ERD is needed at least 45 days prior to the scheduled closing date; or if Federal funds are requested as reimbursement for property acquired, the transfer of Federal funds will be made within 45 days after written notification is received by NOAA/ERD.

4. Deeds for real property acquired for the reserve in part or in whole with Federal funds provided through this award shall contain substantially the following provision:

"Title of the property conveyed by this deed shall vest in the [recipient of the award or other Federally-approved entity] subject to the condition that the property shall remain part of the Federally designated \_\_\_\_ (Name of Reserve) \_\_\_\_ National Estuarine Research Reserve. In the event that the property is no longer included as part of the Reserve, or if the Reserve designation of which it is part is withdrawn, then the National Oceanic and Atmospheric Administration or its successor agency shall consult with the recipient before deciding to exercise any of the rights described below regarding the disposition of the property:

(a) The recipient may be required to transfer title to the Federal Government. In such cases, the recipient shall be entitled to compensation computed by applying the recipient's



percentage of participation in the cost of the program or project to the current fair market value of the property; or

(b) At the discretion of the Federal Government (I) the recipient may either be directed to sell the property and pay the Federal Government an amount computed by applying the Federal percentage of participation in the cost of the original project to the proceeds from the sale (minus actual and reasonable selling and fix-up expenses, if any, from the sale proceeds): or (ii) the recipient may be permitted to retain title after paying the Federal Government an amount computed by applying the Federal percentage of participation in the cost of the original project to the current fair market value of the property. Fair market value of the property must be determined by an independent appraiser and certified by a responsible official of the state, as provided by OMB Circular A-102 (Revised), Attachment F."

5. Upon completion of all real estate closings, the recipient shall submit to NOAA/OCRM copies of the closing documents. To the extent practicable, the recipient is encouraged to rely on negotiated sales with willing sellers, donation/sale of conservation easements, or purchase with reserved life estates, on a voluntary basis.

6. The recipient shall document that all reasonable acquisition methods or alternatives were considered in acquiring the property for which this award was made, and that the method chosen was the most cost-effective in the long-term.

#### B. Construction grant programmatic special award conditions:

Plans for final design of the NERR Education and Research exhibits shall be submitted for NOAA/OCRM review and approval.

OCRM funds can only be used for projects on public land, leased land, or land for which an easement is obtained. The lease or easement must be for the life of the constructed project. If the property ceases to be available for the intended use at any time during the life of the project, the state will be required to provide appropriate reimbursement to the Federal government. Further, the facility must be open to the general public. Facilities which are restrictive in use to specific persons or residents of a specific community are not eligible for Federal funding.

The recipient shall comply, and require each contractor or sub-contractor to comply, with all applicable Federal laws and standards, orders and regulations issued pursuant thereto. The recipient must be in compliance with the Uniform Federal Accessibility Standards (UFAS) that ensures handicap accessibility to the Federally funded portion of the grant. A copy of the UFAS is attached.

The recipient must submit the attached Categorical Exclusion Checklist to OCRM for approval before funds for Construction may be expended. As part of the Categorical Exclusion Checklist, the Recipient must submit the following documentation to OCRM:

State Historic Preservation Office Clearance (SHPO) - A letter from the State Historic Preservation Officer clearing the project for historic preservation purposes is required. The

state must meet or resolve reasonable concerns of the SHPO.

Floodplain/Wetlands Public Notice issued pursuant to E.O. 11988 and E.O. 11990. If required, a notice must be published in local newspapers for three (3) days. The notice should state that the project is located in the 100-year floodplain.

Permits - The application must list all necessary permits, or indicate that no permits are needed for the proposed project on the Categorical Exclusion Checklist.

#### CATEGORICAL EXCLUSION CHECKLIST

Project Title:

TOTAL COST OF PROJECT:

Federal:

State:

Other:

INSTRUCTIONS: For the above project, check the appropriate answer to each of the questions below. If all of the answers on this checklist are checked "No" or "None", then the proposed project meets the criteria for Categorical Exclusion and no environmental assessment (EA) will be required. If any answer is "Yes" or "Significant", then an EA may be required unless:

1. Additional information is provided stating why the applicant believes an EA is not required; or
2. There is no doubt that an environmental impact statement (EIS) is required.

If the applicant believes an EIS is required, they should first contact OCRM to further discuss the matter. Items checked as "Uncertain" or "Minor" may qualify as a Categorical Exclusion if additional information (e.g. mitigating actions) are provided in the project description, or may require an EA. OCRM reserves the right to require additional environmental information in cases where project impacts are not clearly described in the application or where probable impacts require an EA or EIS.

A SIGNATURE WILL BE REQUIRED AT THE END OF THIS CHECKLIST BY A STATE PROGRAM OFFICIAL ACKNOWLEDGING PROJECT CONSISTENCY AND STATE RESPONSIBILITIES WITH REFERENCE TO DOCUMENTATION KEPT BY THE STATE FOR THIS PROJECT.

A. Evaluation of Criteria for Categorical Exclusion:

- |   |                        |
|---|------------------------|
| 1. This action or group of actions would have a | No    Uncertain    Yes |
|---|------------------------|

significant effect on the  
quality of the human environment.

- |    |  |    |           |     |
|----|--|----|-----------|-----|
| 2. | This action or group of actions would involve unresolved conflicts concerning alternative uses of available resources. | No | Uncertain | Yes |
|----|--|----|-----------|-----|
- B. Evaluation of exceptions to actions within Categorical Exclusion:
- |    |   |      |           |                   |
|----|---|------|-----------|-------------------|
| 1. | This action would have significant adverse effects on public health or safety.                                  | No   | Uncertain | Yes               |
| 2. | This action will have highly controversial environmental effects.   | No   | Uncertain | Yes               |
| 3. | This action will have highly uncertain environmental effects or involve unique or unknown environmental impact. | No   | Uncertain | Yes               |
| 4. | The specific impact of the project on the following resources:  |      |           |                   |
| a) | beaches and dunes   | None | Minor     | Significant       |
| b) | wetlands  | None | Minor     | Significant       |
| c) | estuarine areas   |      | None      | Minor Significant |
| d) | wildlife habitat  | None | Minor     | Significant       |
| e) | barrier islands   |      | None      | Minor Significant |
| f) | wild or scenic river  | None | Minor     | Significant       |
| g) | reef  | None | Minor     | Significant       |
| h) | threatened or endangered species  | None | Minor     | Significant       |
| i) | floodplains   | None | Minor     | Significant       |
| j) | other resources   | None | Minor     | Significant       |
| 5. | This action is related to other action with individually insignificant but cumulatively significant effects.    | No   | Uncertain | Yes               |
| 6. | This action will affect properties listed in the National Register of Historic Places or                        | No   | Uncertain | Yes               |

otherwise protected by Section 106 of the National Historic Preservation Act or a similar State Preservation Act.

- |     |   |    |           |                             |
|-----|---|----|-----------|-----------------------------|
| 7.  | Condemnation is required for the purchase of property.  | No | Uncertain | Yes                         |
| 8.  | The project is located on undeveloped coastal barriers designated pursuant to the Coastal Barrier Resources Act.                | No | Uncertain | Yes                         |
| 9.  | The project is located in a designated floodway or "V" zone   | No | Uncertain | Yes on a NFIP Floodway Map. |
| 10. | This action is inconsistent with Federal, State, local or tribal law or requirements imposed for protection of the environment. | No | Uncertain | Yes                         |

11. Please list permits required and their status in the space below.

#### CERTIFICATION OF CONSISTENCY

I hereby certify that the above application/project is consistent with the goals and policies of the

(Name of State Coastal Program) as approved by the Office of Ocean and Coastal Resource Management.

Signature and Title of Authorized Official      Date

Note: Authorized Official is Coastal Program Manager, Commission or designee

I hereby acknowledge that documentation for this project which includes the State Historic Preservation Office Clearance letter, floodplain public notice, and copies of required permits have been submitted to OCRM or will be maintained in the state's files. I also certify that construction or acquisition will not begin until this documentation has been obtained.

Furthermore, these files may be subject to review during section 312 evaluations. Failure to maintain these files may result in the deobligation of Federal funds and/or the requirement, by OCRM, to return to submitting all documentation to OCRM prior to Federal funding of activities.

Signature and Title of Authorized Official      Date

Note: Authorized Official is the Coastal Program Manager, Commission or designee

## Appendix 2

### National Estuarine Research Reserves Guidelines for Preparing Semi-Annual Reports For Land Acquisition and Construction Projects

Award recipients should report on grant activities every six months. The first and interim reports are due 30 days after each six month period. For example, if the award starts July 1, the reporting period is July 1 through December 31 and the progress report would be due by January 31. If the recipient knows that a late progress report will be submitted, Estuarine Reserves Division should be notified prior to the due date of the report. Final reports are due within 90 days after the final six month period of the award.

The Estuarine Reserves Division of NOAA accepts reports electronically or via mail hard copy. If submitting reports by the U.S. mail, send three copies. Each semi-annual report should include:

- 1) Reserve name and address
- 2) Date of submission
- 3) Grant agreement number
- 4) Grant agreement original start and end date -must indicate if extended and include the revised end date
- 5) Reporting period